

REMARKS CONCERNING THE AMENDMENTS

The above amendments were made in an effort to better define the present invention. Antecedent basis for the amendments may be found generally in the specification and, for example, as follows:

Claim 1 and claim 14 amendments – Page 11, line 23 – page 12, line 11; page 12, lines 12-27; original claim 16; and page 13, lines 9-23 where the separate generic and subgeneric symbols are provided as distinct steps:

“To win a top award the 5 top reels in “Royal Spoil™” must first be flushed in one of the suit symbols (e.g., H.H.H.H.H.). The next step is to provide the species symbols (e.g., the rank).”

SUMMARY OF THE OFFICE ACTION

1. Claims 11 and 12 have been rejected under 35 USC 112, second paragraph a indefinite with respect to the back reference to "a payline and the possible erroneous reference of claim 11 to claim 5, rather than claim 6.
2. Claims 1-6 and 14-15 have been rejected under 35 USC 102(b) as anticipated by Walker et al. (US Patent No. 6,068,552).
3. Claims 7-136 and 16-20 have been rejected under 35 USC 103(a) as unpatentable over Walker et al. (US Patent No. 6,068,552).

ARGUMENTS AGAINST THE REJECTIONS IN THE OFFICE ACTION

1. Claims 11 and 12 have been rejected under 35 USC 112, second paragraph a indefinite with respect to the back reference to "a payline and the possible erroneous reference of claim 11 to claim 5, rather than claim 6.

The minor editorial amendments to claims 11 and 12 have been made. This rejection may no be removed from the record.

2. Claims 1-6 and 14-15 have been rejected under 35 USC 102(b) as anticipated by Walker et al. (US Patent No. 6,068,552).

The rejection is in error. Walker teaches a way of adjusting the mapping of individual symbols in a slot or video slot device. The present technology, on the other hand, is a fundamentally different game play method in which:

- a) each total symbol is comprised of two distinct descriptors (e.g., a suit for cards and a rank for cards);
- b) a first descriptor is independently chosen for a symbol and a second descriptor is independently chosen for a symbol; and
- c) then the characteristics of the totality of symbols is examined against a pay table to determine a win.

In this manner, it is possible to obtain a perspective of one entire series of characteristics (if the entire series of characteristics, such as the suit) is selected first. This builds an expectation for the potential of award based on the second characteristic. Similarly, if the second characteristic of order sensitive symbols is shown first, expectations can be built for the display of the first characteristic.

The underlying important difference, that is clearly recited in the amended claims and is clearly in claim 16 as originally filed also, is that the two characteristics that apply to at least some symbols are chosen separately.

Walker is totally silent on that element of technology. Walker provides reels with complete symbols at each stop position and maps the reels according to his novel technology. At no time does Walker disclose a stop position, having two symbol characteristics, where each of the two characteristics is separately and independently

chosen by a random operation. As that description and teaching is completely absent from Walker, the rejection is in error and must be withdrawn.

3. Claims 7-13 and 16-20 have been rejected under 35 USC 103(a) as unpatentable over Walker et al. (US Patent No. 6,068,552).

The rejection is in error. As noted above, Walker teaches a way of adjusting the mapping of individual symbols in a slot or video slot device. The underlying technology of the present invention is not taught by Walker, and there is no basis for asserting the limitations of the independent claims (and claim 16) as obvious from Walker when there are no teachings that would motivate one of ordinary skill in the art to change the mapping method of Walker into the new game play method recited in the claims.

The assertion that "the game designer is capable" of making these changes is not a legal basis for rejection of the claims, but is no more than an assertion that it is possible to try to do what Applicants have done, even though there is no instruction to do so.

The arguments to support the rejection of claim 16 given on pages 6-7 are clearly in error. Although Walker does show order dependency of symbols in Figure 11A as noted in the rejection, that is common practice. What is not shown is the provision of a symbol having two distinct characteristics, one of which may be order dependence, selecting each of the characteristics separately, and applying both characteristics to a single position. Walker merely selects a complete symbol for each position. Separate characteristics are not independently selected.

The rejection is clearly in error.

CONCLUSION

The rejections of record have been traversed and overcome by the above arguments and amendments and all claims should be allowed. If the Examiner believes that issues remain in this application and that a conference call on those issues might assist in the prosecution of this application, the Examiner is courteously invited to call the attorney of record at 952.832.9090 Central Time Zone.


Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 8 February 2007

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Name


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